



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 6 of 1980

An Act to amend the Church of England in Australia Constitution Act, 1961, to change the name of the Church of England in Australia, and for other purposes.

[Assented to 3rd April, 1980]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Church of England in Australia Constitution Act Amendment Act, 1980".

(2) The Church of England in Australia Constitution Act, 1961, is hereinafter referred to as "the principal Act".

Commencement.

2. (1) This Act shall come into operation on a day to be fixed by proclamation, being a day recommended by the Primate.

(2) In this section "Primate" means the Primate referred to in clause 10 of the Constitution set out in the schedule to the principal Act.

Amendment of long title of principal Act.

3. The long title to the principal Act is amended by striking out the passage "the Church of England in Australia" and inserting in lieu thereof the passage "the Anglican Church of Australia".

Amendment of preamble of principal Act.

4. The preamble to the principal Act is amended by striking out the first and second paragraphs and inserting in lieu thereof the following paragraph:—

WHEREAS by acts or resolutions duly passed, the Synods of the South Australian dioceses of the Church of England in Australia (now known as the "Anglican Church of Australia") assented to a Constitution for the Church:.

Repeal of s. 1 of principal Act and enactment of section in its place.

5. Section 1 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Short title.

1. This Act may be cited as the "Anglican Church of Australia Constitution Act, 1961-1980".

6. Section 3 of the principal Act is amended by striking out the passage “the Church of England in Australia in the dioceses of the Church of England in the State of South Australia” and inserting in lieu thereof the passage “the Anglican Church of Australia in its South Australian dioceses”.

Amendment of principal Act, s. 3—
Constitution to have legal force and effect.

7. Section 5 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 5 of principal Act and enactment of section in its place.

5. (1) After the commencement of the Church of England in Australia Constitution Act Amendment Act, 1980, the Church formerly known as “The Church of England in Australia” shall be known as “The Anglican Church of Australia”.

Change of name.

(2) Subject to subsection (3) of this section, a reference to—

- (a) The Church of England;
- (b) The Church of England in Australia;
- (c) The Church of England in Australia and Tasmania;
- (d) The Church of England in South Australia, or in any South Australian diocese,

in—

- (e) any Act, proclamation, order-in-council, rule, regulation, by-law or notice;
- (f) any declaration, canon, regulation or resolution of the synod of any diocese of the Church, or any licence issued by the Bishop of any such diocese;

or

- (g) any writing or document, (whether made under an Act, or by the synod of any diocese of the Church, or otherwise) that creates, varies, affects, evidences or extinguishes any right, title, interest, power, authority, liability, duty or obligation,

shall, where the context admits, be read as a reference to the Anglican Church of Australia.

(3) This section does not affect the name of—

- (a) any unincorporated association;
- or
- (b) any association incorporated under the Associations Incorporation Act, 1956-1965.

8. Section 6 of the principal Act is amended by striking out the passage “the Church of England in Australia” and inserting in lieu thereof the passage “the Anglican Church of Australia”.

Amendment of principal Act, s. 6—
Administration of customary oaths.

9. Section 8 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “the Church of England in Australia” wherever it occurs and inserting in lieu thereof, in each case, the passage “the Anglican Church of Australia”;

and

Amendment of principal Act, s. 8—
Power of Diocese of Adelaide to withdraw.

- (b) by striking out from subsection (1) the passage "the Church of England in that diocese" and inserting in lieu thereof the passage "the Church in that diocese".

Enactment of
ss. 9 and
10 of principal
Act.

10. The following section is enacted and inserted in the principal Act after section 8 thereof:—

Powers of
Corporate
trustees
in this State.

9. (1) The provisions of clause 64 of the Constitution constituting a body corporate, and investing it with powers and functions, shall have full force and effect under the law of this State.

(2) This section shall be deemed to have come into operation upon the commencement of this Act.

Amendment of
Schedule of
principal Act.

11. The schedule to the principal Act is amended—

- (a) by striking out from the heading the passage "CHURCH OF ENGLAND IN AUSTRALIA" and inserting in lieu thereof the passage "ANGLICAN CHURCH OF AUSTRALIA";
- (b) by striking out from clause 1 the passage "Church of England in Australia" and inserting in lieu thereof the passage "Anglican Church of Australia";
- (c) by striking out from subclause (1) of clause 64 the passage "Church of England in Australia" and inserting in lieu thereof the passage "Anglican Church of Australia";
- and
- (d) by striking out from the definition of "This Church" in subclause (1) of clause 74 the passage "Church of England in Australia" and inserting in lieu thereof the passage "Anglican Church of Australia".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor